

The Examiner tentatively agreed that claims restricted to a prosthesis having a more resilient end and a less resilient end were likely to distinguish over the art. It was agreed that the applicant would submit this Amendment setting forth amendments to the claims to specify the more resilient and less resilient arrangement. It was understood that the remaining claims would be pursued separately by a continuation application.

As discussed in the interview, M.P.E.P. § 609, as most recently set forth, does not place any particular requirements with respect to the citation of references cited in foreign applications. Particularly, it was discussed that § 609, for example at page 600-105 states that "Translations are not required to be filed unless they have been reduced to writing and actually translations of what is contained in the non-English language information." Further it is stated that "If no translation is submitted, the Examiner will consider the information in view of the concise explanation and insofar as it is understood on its face, e.g., drawings, chemical formulas, English language abstracts, in the same manner that non-English language information in our office search files is considered by examiners in conducting searches." Further it is noted in the M.P.E.P. that the explanation required from the applicant is limited to relevance as understood by the individual designated in 37 C.F.R. 1.56(c) most knowledgeable about the information at the time the information is submitted to the office. Further, the M.P.E.P. on the same page says that where the information listed is not in the English language but was cited in a search report or other office action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.

Thus, in view of the current status of the M.P.E.P., it is understood that the Examiner is agreeable to entering the Information Disclosure Statement and citing the foreign language references cited in the counterpart.

With respect to the remaining independent claims in the case, claim 32 was rejected over Porter in view of Inoue. However, Porter and Inoue are symmetrical devices wherein both ends have the same degree of resiliency, as mentioned in the interview. As amended, claim 32 calls for an interconnected set of two elements each having ends of different resiliency. Thus, it is believed that the Examiner indicated that the claims as so amended, were likely to patentably distinguish over the art of record.

Corresponding changes have been made to claims 12 and 21. Claim 12 is rejected under § 102 based on Kwan-Gett. In Kwan-Gett both ends of the prosthesis are equally resilient.

Similarly, claims 12 and 21 were rejected under § 102 on Inoue '305. However, as shown in Fig. 1 of Inoue, both ends are equally resilient. Therefore, the device does not exhibit different degrees of resiliency at the two ends.

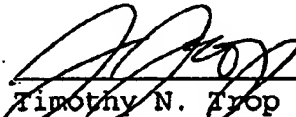
Claim 21 is also rejected under Inoue '089. The Examiner indicates that the '809 patent teaches a single end ring, but it is clear that there are resilient elements on both ends of the prosthesis in every figure of the '089 patent. Moreover, as set forth in column 7, lines 38-42, the blood vessel A includes end wire rings 10₁ and 10₂. Thus, the Inoue reference teaches a device in which both ends have the same resiliency.

In view of these remarks, the application is now believed to be in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

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